

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

(Continued from the 01/26/04 BOA hearing)

SUBJECT: REQUEST FOR REAR YARD SETBACK VARIANCE FROM 15 FEET TO 10 FEET FOR A PROPOSED SHED AND COVERED SCREEN ROOM IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (DAVID PIPE, APPLICANT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 02-23-04 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 15 FEET TO 10 FEET FOR A PROPOSED SHED AND COVERED SCREEN ROOM IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (DAVID PIPE, APPLICANT); OR
2. **DENY** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 15 FEET TO 10 FEET FOR A PROPOSED SHED AND COVERED SCREEN ROOM IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (DAVID PIPE, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #1, Maloy)

(Kathy Fall, Senior Planner)

GENERAL INFORMATION	<p>APPLICANT: DAVID PIPE</p> <p>LOCATION: 3769 COCONUT PALM CIRCLE</p> <p>ZONING: PUD (PLANNED UNIT DEVELOPMENT DISTRICT), PALM VALLEY</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A 180 SF (18 FEET X 10 FEET) COVERED SCREEN ROOM AND 140 SF (14 FEET X 10 FEET) SHED TO A PROPOSED MANUFACTURED HOME, WHICH WOULD OTHERWISE MEET THE MINIMUM DIMENSIONAL STANDARDS OF THE PALM VALLEY PUD. • THE PROPOSED SCREEN ROOM AND SHED WOULD EACH ENCROACH 5 FEET INTO THE 15 FOOT REAR YARD SETBACK. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.

	<ul style="list-style-type: none">• THIS ITEM WAS FIRST CONSIDERED BY THE BOARD OF ADJUSTMENT ON JANUARY 26, 2004. THE BOARD CONTINUED THE ITEM TO ALLOW AFFECTED PARTIES THE OPPORTUNITY TO ATTEND THE PUBLIC HEARING.
STAFF FINDINGS	<ul style="list-style-type: none">• THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCES FOR THE PROPOSED ADDITIONS. STAFF HAS DETERMINED THAT:<ul style="list-style-type: none">○ THERE ARE NO SPECIAL CONDITIONS PECULIAR TO THE PROPOSED ADDITIONS, FOR THEY COULD BE REDUCED IN SIZE TO COMPLY WITH THE MINIMUM REAR YARD SETBACK STANDARD.○ THE GRANT OF THE REQUESTED VARIANCE WOULD BEGIN A TREND OF REAR YARD ENCROACHMENT WITHOUT THE DEMONSTRATION OF A HARDSHIP.○ THE APPLICANT WOULD RETAIN REASONABLE USE OF THE SUBJECT PROPERTY WITHOUT THE REQUESTED VARIANCE.
STAFF RECOMMENDATION	<p>STAFF THEREBY RECOMMENDS THE BOARD DENY THE REQUESTED REAR YARD SETBACK VARIANCE BASED ON THE STATED FINDINGS.</p> <p>IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED ADDITIONS, AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, FOLLOWING INFORMATION PRESENTED AT THE PUBLIC HEARING.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX APPL. NO. BV2003-193

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

COPY

APPLICATION TYPE:

- ☐ **VARIANCE** For a Rear-yard Setback variance from 15' to 10' for the addition of a shed + colored screen room
- ☐ **SPECIAL EXCEPTION**
- ☐ **MOBILE HOME SPECIAL EXCEPTION**
- ☐ **EXISTING** ☐ **PROPOSED** ☐ **REPLACEMENT**
- MOBILE HOME IS FOR _____
YEAR OF MOBILE HOME _____ SIZE OF MOBILE HOME _____
ANTICIPATED TIME MOBILE HOME IS NEEDED _____
PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN _____
MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO
- ☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	<u>Palm Valley</u>	<u>[Signature]</u>
ADDRESS	<u>3700 Palm Valley Ranch</u>	
	<u>Oviedo FL 32765</u>	
PHONE 1	<u>407-366-0733</u>	
PHONE 2		
E-MAIL	<u>Dave Rice @ msn.com</u>	

PROJECT NAME: Palm Valley

SITE ADDRESS: _____

CURRENT USE OF PROPERTY: VACANT

LEGAL DESCRIPTION: _____

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 35-21-31-300-0010-0000

UTILITIES: ☐ WATER ☐ WELL ☐ SEWER ☐ SEPTIC TANK ☐ OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION ☐ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on January 26, 04 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

K.F.

SIGNATURE OF OWNER OR AGENT*

DATE

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	<u>Palm Valley</u>	
ADDRESS	<u>3700 PAL</u>	
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL _____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE: 150.00 COMMISSION DISTRICT 1 FLU / ZONING RM2/MR

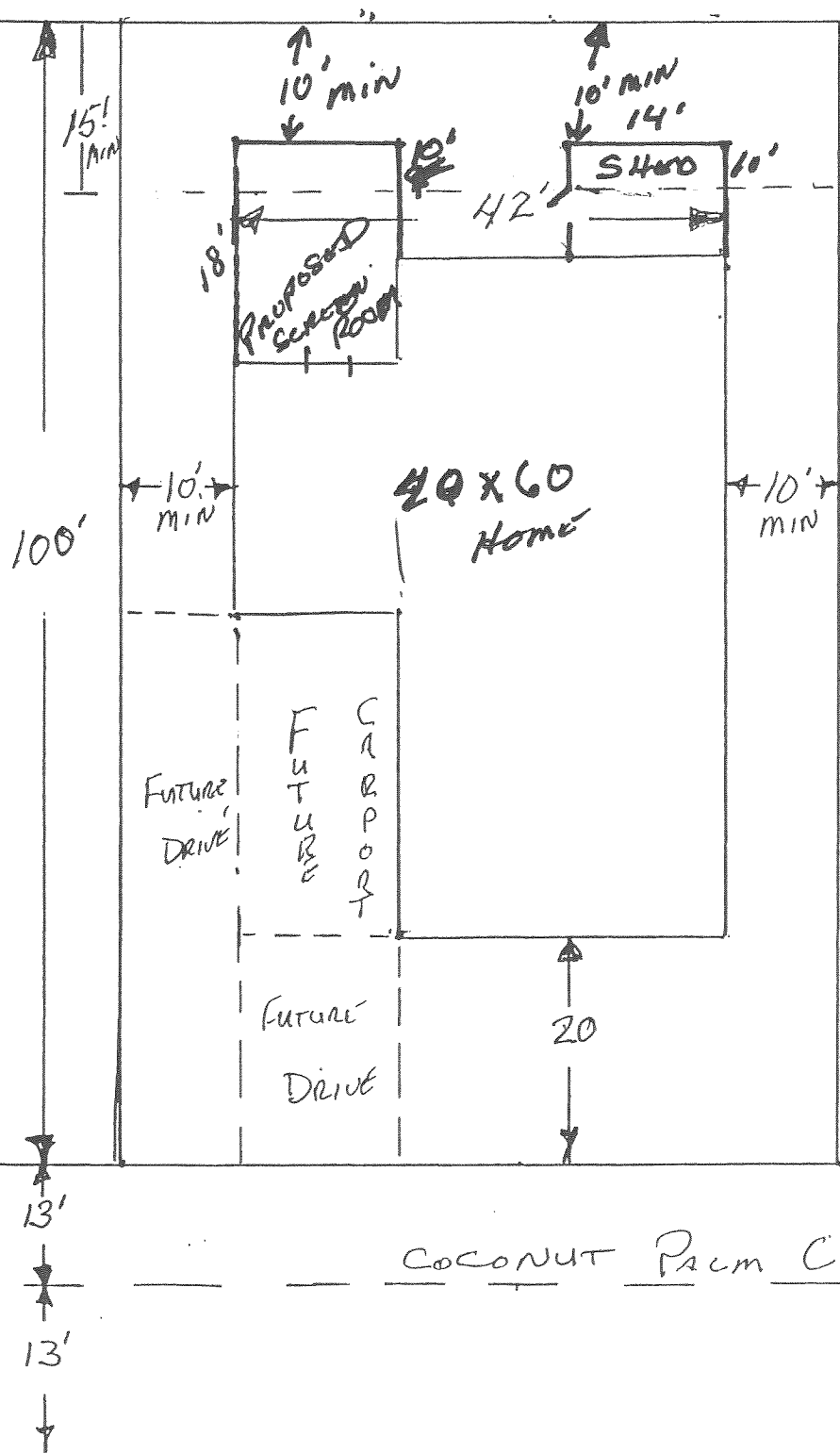
LOCATION FURTHER DESCRIBED AS _____

PLANNER Steiger

DATE 12/3/03

SUFFICIENCY COMMENTS _____

62'



Scale 1/16" = 1'

Lot 119

3769
COCONUT PALM
CIRCLE

COCONUT PALM CIRCLE

100-YEAR FLOOD PLAIN LIMIT

CENTERLINE OF 110' WIDE FLORIDA POWER AND LIGHT EASE.

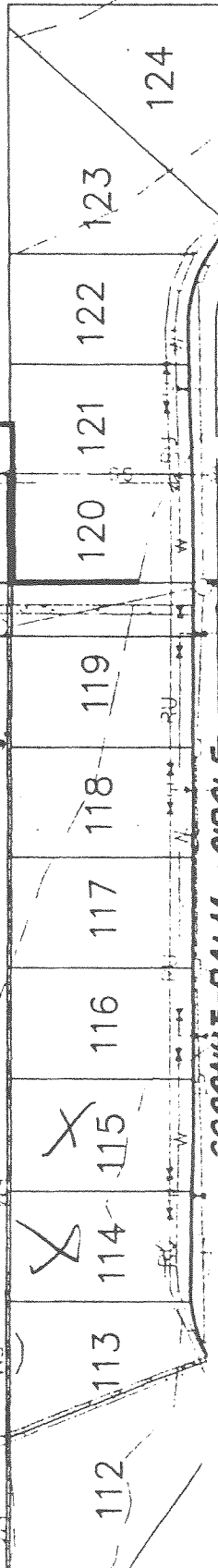
ADDITION 8A

PROPOSED
LIFT STATION FACILITY

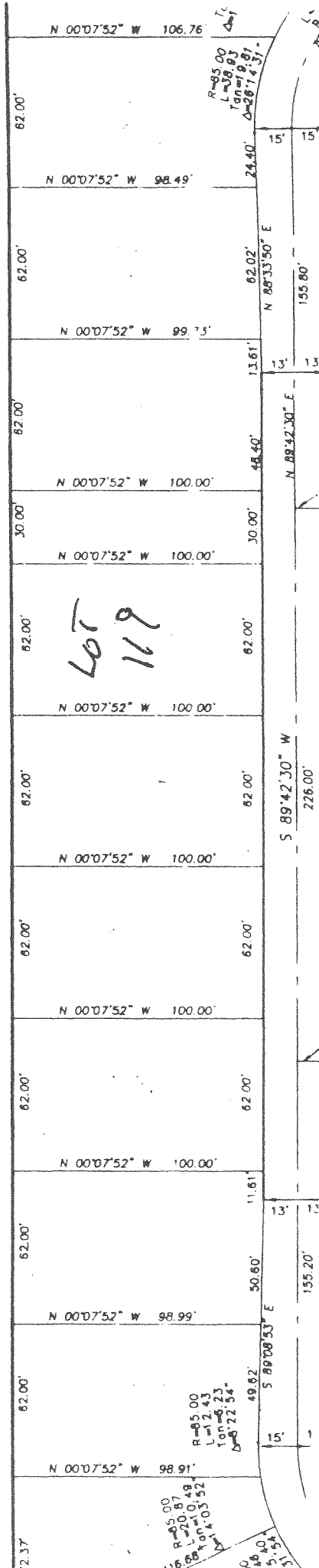
30' ACCESS EASEMENT


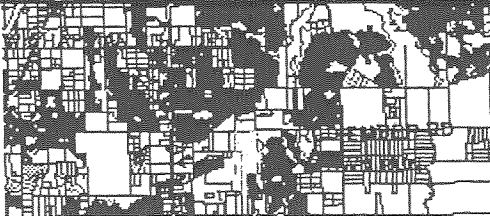

PROPOSED STORMWATER
MANAGEMENT POND

RECREATION/OPEN SPACE



S 89°42'30" W 904.00'



PARCEL DETAIL	REAL ESTATE	PERSONAL PROP	TAX ROLL	SALES SEARCH	◀ Back ▶																		
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																							
<p align="center">GENERAL</p> <p>Parcel Id: 35-21-31-300-0010-0000 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: REFERENCE ONLY Exemptions:</p> <p>Address:</p> <p>City, State, Zip Code:</p> <p>Property Address: OVIEDO 32765</p> <p>Facility Name:</p> <p>Dor: N.-INFORMATION/REFERENC</p>			<p align="center">2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$10</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$10</p> <p>Assessed Value (SOH): \$10</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$10</p>																				
<p align="center">SALES</p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>10/2000</td> <td>03941</td> <td>1501</td> <td>\$581,500</td> <td>Vacant</td> </tr> <tr> <td>ADMINISTRATIVE DEED</td> <td>06/1981</td> <td>01343</td> <td>0892</td> <td>\$100</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this DOR Code</p>			Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	10/2000	03941	1501	\$581,500	Vacant	ADMINISTRATIVE DEED	06/1981	01343	0892	\$100	Vacant	<p align="center">2003 VALUE SUMMARY</p> <p>2003 Tax Bill Amount: \$0</p> <p>2003 Taxable Value: \$10</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>		
Deed	Date	Book	Page	Amount	Vac/Imp																		
WARRANTY DEED	10/2000	03941	1501	\$581,500	Vacant																		
ADMINISTRATIVE DEED	06/1981	01343	0892	\$100	Vacant																		
<p align="center">LAND</p> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>10.00</td> <td>\$10</td> </tr> </tbody> </table>			Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	10.00	\$10	<p align="center">LEGAL DESCRIPTION</p> <p>ASSESSED WITH 34-21-31-503-0000-008A SEC 35 TWP 21S RGE 31E</p> <p>NW 1/4 OF NW 1/4 & N 1/2 OF SE 1/4 OF NW 1/4 LYING W OF C/L OF CREEK & E 3/4 OF SW 1/4 OF NW 1/4 &</p> <p>E 1/2 OF W 1/2 OF NW 1/4 OF SW 1/4</p>								
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																		
LOT	0	0	1.000	10.00	\$10																		
<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																							

BACK

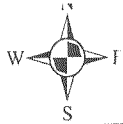
PROPERTY APPRAISER
HOME PAGE

CONTACT

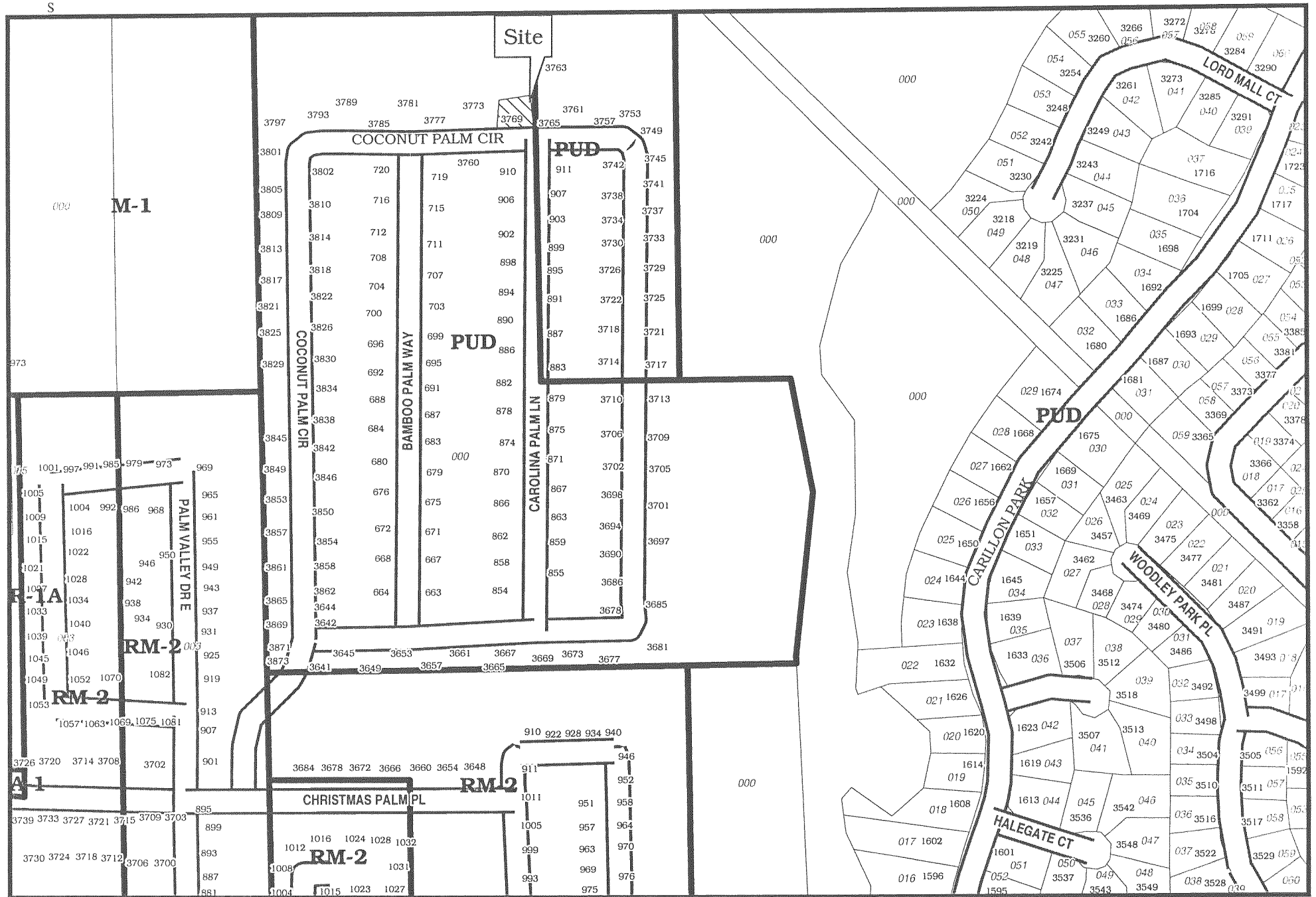
DBA 191 - P2 (1-7-81) 13

309 P2 (6-1-83) 32

339 P2 (12-7-83) 87



David Pipe 3700 Coconut Palm Cir.



0 150 300 600 Feet

01/16/2004 11:27:26 AM



Annabellefmo@aol.com

To: KFall@co.seminole.fl.us

cc:

01/15/2004 02:03 PM

Subject: Variance Request in Palm Valley

January 15, 2004

Kathy Fall, Senior Planner
Seminole County Planning and Zoning Office
1101 E. First Street
Sanford, Florida 32771

Dear Ms. Fall:

We, the board of Palm Valley Homeowners Association, wish to support your denial of the variance for 3769 Coconut Palm Circle. We feel that there are other lots within Phase 8 of Palm Valley that would be better suited to the 28 ft. by 60 ft. house, porch and larger shed that Mr. Pike is requesting.

We would also like to bring to your attention that our Prospectus states there will be 15 ft. behind each house. We have looked at the other houses in the Coconut Palm Circle area and find these homes around the retention pond have complied with the regulations. The other homes in the immediate vicinity of this variance request are 28 X 60 ft. including their screen rooms and shed. They look very good. We closely defend our Prospectus and will not accept any changes such as this variance.

We feel that if one variance is allowed, who's to stop the asking of another and thereby making our community look as if there was no planning or regulating. We want to have our community show the best possible face to the outside world. We do not want to have a crowded look in any area of our community.

Thank you.

Sincerely yours,

(signed by)
Karl Aughe, President
Palm Valley Homeowners Association
4186 Sugar Palm Terrace
Oviedo, Florida 32765
(407) 359-3008

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On February 23, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Lot 119 of NW 1/4 OF NW 1/4 & N 1/2 OF SE 1/4 OF NW 1/4 LYING W OF C/L
OF CREEK & E 3/4 OF SW 1/4 OF NW 1/4 & E 1/2 OF W 1/2 OF NW 1/4 OF
SW 1/4

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: PALM VALLEY ASSOCIATES/DAVID PIPE
3700 PALM VALLEY CIRCLE
OVIEDO, FL 32765

Site Address: 3769 COCONUT PALM CIRCLE

Requested Development Approval:

1. REAR YARD SETBACK VARIANCE FROM 15 FEET TO 10 FEET FOR A PROPOSED COVERED SCREEN ROOM ADDITION; AND
2. REAR YARD SETBACK VARIANCE FROM 15 FEET TO 10 FEET FOR A PROPOSED SHED ADDITION.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Kathy Fall
1101 East First Street
Sanford, Florida 32771

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED COVERED SCREEN ROOM AND SHED ADDITIONS, AS DEPICTED ON THE ATTACHED SITE PLAN.

- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Matthew West who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: